
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOHNNY RAY MARTIN, §
§
Petitioner, §
§
versus § CIVIL ACTION NO. 1:12-CV-176
§
§
DIRECTOR, TDCJ-CID, §
§
Respondent. §

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Johnny Ray Martin, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus.

The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this petition be dismissed without prejudice as repetitious.

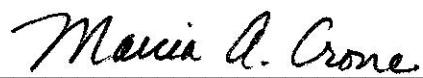
The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.¹

¹ As the magistrate judge stated, the petition filed in this case is identical to the petition filed by petitioner in civil action number 1:12cv166. Petitioner has filed a letter acknowledging that this petition is repetitious and asking that it be filed in civil action number 1:12cv166. As the current petition is identical to the petition filed in civil action number 1:12cv166, there is no need to file this petition in the other case.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 25th day of May, 2012.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE